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*Attorneys for Non-Parties
General Electric Company and
GE Grid Solutions, LLC*

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re:

**Bankruptcy Case
No. 19-30088 (DM)**

PG&E CORPORATION

Chapter 11 (Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,

**DECLARATION OF DAVID S.
TORBORG IN SUPPORT OF GENERAL
ELECTRIC COMPANY AND GE GRID
SOLUTIONS LLC'S OBJECTION TO
THE OFFICIAL COMMITTEE OF
TORT CLAIMANTS' MOTION TO
ESTABLISH PROCEDURES FOR
DISCOVERY PRECEDING PLAN
CONFIRMATION**

Debtors.

- Affects PG&E Corporation
 - Affects Pacific Gas and Electric Company
 - Affects both Debtors

* All papers shall be filed in the Lead Case, No. 19-30088 (DM).

Hearing

Date: March 10, 2020

Time: 10:00 a.m. (Pacific Time)

Place: Courtroom 17

450 Golden Gate Ave., 16th Fl.
San Francisco, CA 94102

1 I, DAVID S. TORBORG, hereby declare as follows.

2 1. I am employed at Jones Day, 51 Louisiana Avenue NW, Washington DC 20001. I
3 am a member in good standing of the Bar of the District of Columbia. There are no disciplinary
4 proceedings pending against me.

5 2. I represent General Electric Company (“GE”) and GE Grid Solutions, LLC (“GE
6 Grid Solutions”) in connection with subpoenas (the “Subpoenas”) served on GE and GE Grid
7 Solutions by the Tort Claimants Committee (the “TCC”) in these proceedings. The Subpoenas
8 are attached as Exhibit A and Exhibit B to this Declaration.

9 3. I respectfully submit this declaration in support of GE and GE Grid Solution’s
10 *Objection to the Official Committee of Tort Claimants’ Motion to Establish Procedures for*
11 *Discovery Preceding Plan Confirmation*. I have personal knowledge of the facts set forth herein.

12 4. On February 3, 2020 and February 5, 2020, I engaged in telephone calls with
13 Bridget S. McCabe, counsel for the TCC and the issuing attorney of the Subpoenas. In response
14 to my inquiry regarding the procedural basis for the Subpoenas, Ms. McCabe asserted that the
15 Subpoenas were being issued in connection with a plan confirmation hearing and indicated that
16 the Bankruptcy Court had stated on the record that it expected the confirmation hearing to be
17 contested. In a follow-up email dated February 5, 2020, Ms. McCabe indicated: “Regarding the
18 procedural basis for the subpoena, we are in the middle of a contested plan confirmation
19 proceeding, which in a chapter 11 proceeding such as this, constitutes a contested proceeding
20 under Fed. R. Bankr. P. 9014.”

21 5. Ms. McCabe further asserted that the Subpoenas sought information related to
22 potential fire-related claims against contractors that had been assigned to a victim’s trust under a
23 TCC-supported plan of reorganization. TCC counsel was unable to identify specifically any GE
24 or GE Grid Solutions product or service that could potentially be implicated in any of the fires
25 precipitating PG&E’s bankruptcy or related liabilities of PG&E. Rather, Ms. McCabe indicated
26 that GE and GE Grid Solutions were on a list of contractors produced by the Debtors and
27 provided general information regarding some of the products and services that GE and GE Grid
28 Solutions had provided to the Debtors.

6. In a follow-up email, Ms. McCabe counsel provided a document titled “Fire Circuits and Origin Locations” (attached hereto as Exhibit C) and invited GE and GE Grid Solutions to determine whether any their products or services were provided at these locations. She further stated that the TCC would consider withdrawing the Subpoenas if GE and GE Grid Solutions could verify that none of its products or services were used or provided at those locations.

7. I understand that because GE and GE Grid Solutions products and services are sold to PG&E in bulk and as inventory, neither GE nor GE Grid Solutions are presently aware, nor able to confirm, any connection between their products and services and the fires at issue, and they have no effective way of determining where PG&E deployed their equipment throughout its system.

8. Ms. McCabe agreed to provide GE and GE Grid Solutions a 30-day extension (until March 5, 2020) to respond to the Subpoenas and advised that the TCC expected to file a motion to establish a “process” for adjudicating objections to the contractor subpoenas.

9. On February 25, 2020, TCC counsel granted GE and GE Grid Solution's request for an extension to respond to the Subpoenas until ten days after the Court rules on the Procedures Motion.

I declare under penalty of perjury that the foregoing is true and correct this 3rd day of March 2020, in Washington, D.C.

/s/ David S. Torborg
David S. Torborg

EXHIBIT A

UNITED STATES BANKRUPTCY COURT

Northern _____ District of _____ California _____

In re PG&E Corporation
Debtor

(Complete if issued in an adversary proceeding)

Case No. 19-30088 (DM)

Chapter 11

Plaintiff
v.

Adv. Proc. No. _____

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: General Electric Company, c/o CT Corporation, 818 West Seventh Street, Suite 930, Los Angeles, CA 90017
(Name of person to whom the subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attachment Exhibit A

PLACE	DATE AND TIME
c/o Bridget McCabe, Baker Hostetler, LLP, 11601 Wilshire Blvd., Suite 1400, Los Angeles, CA 90025	February 4, 2020, at 1:00 PM PST

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/21/2020

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature
Bridget S. McCabe

The name, address, email address, and telephone number of the attorney representing (*name of party*)
Official Committee of Tort Claimants, who issues or requests this subpoena, are:

Bridget S. McCabe, 11601 Wilshire Blvd., Suite 1400, Los Angeles, CA 90025, bmccabe@bakerlaw.com, (310) 442-8844

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (*name of individual and title, if any*): _____
on (*date*) _____.

I served the subpoena by delivering a copy to the named person as follows:

on (*date*) _____; or

I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)



EXHIBIT A

DEFINITIONS

1 1. As used herein, the words "Document" and "Documents" mean each written, typed,
2 printed, recorded, transcribed, taped, electronically stored, digitized, disked, filmed, or graphic
3 matter of every kind, however produced or reproduced, including originals or copies of originals
4 not in existence or available, all drafts or partial copies, wherever located, and including all
5 Electronic Data, correspondence, letters, emails, memoranda, requests for information, reports,
6 studies, tests, inspections, working papers, handwritten notes, diaries, charts, spreadsheets,
7 photographs, sketches, drawings, blueprints, videos, graphs, indices, submittals, data sheets,
8 databases, conversations, statements, minutes, notations (including notes or memorandum of
9 conversations), telephone conversations in whatever form, suggestions, comments, instructions,
10 warnings, notices, manuals, periodicals, pamphlets, brochures, catalogues, bulletins, schedules,
11 invoices, and other documentation.

12 2. The term "Electronic Data" as used herein, shall be construed as the following types
13 of electronic data and data compilations in the custody and/or control of the party responding to
14 this Subpoena:

15 a. All electronic mail and information about electronic mail sent or received by
16 the party responding to this Subpoena;

17 b. All databases containing any reference and/or information;

18 c. All activity logs on any computer system which may have been used to
19 process or store electronic data containing information;

20 d. All word processing files and file fragments, including metadata, containing
21 information about the below listed subjects;

22 e. All electronic data files and file fragments created by application programs
23 that process information requested herein;

24 f. All electronic data files and file fragments from electronic calendars and
25 scheduling programs that contain information about the below-listed subjects; and

g. All audio and video recordings sent, received, or stored by the party responding to this Subpoena that contains, references, or otherwise identifies information about the below listed subjects.

3. The terms "and" and "or" as used herein, shall, where the context permits, be construed to mean "and/or" as necessary to bring within the scope of the subpoena request.

4. The terms "You" and "Your" refer to the party responding to this Subpoena.

5. The term "PG&E" refers to PG&E Corporation and/or Pacific Gas & Electric Company.

6. The term "Work" means any activity performed by You in fulfillment of Your duties, contractual or otherwise, to PG&E.

7. The term "Communication(s)" means any transmission of information from one person or entity to another, including (without limitation) by personal meeting, conference, conversation, telephone, radio, electronic mail, teleconference, or any other method of communication or by any medium.

8. The term "Fires" means the fires that occurred in Northern California in 2015, 2017 and 2018 listed below:

1. Butte Fire (2015)
 2. North Bay Wildfires (2017)
 - a. 37
 - b. Adobe
 - c. Atlas
 - d. Blue
 - e. Cascade
 - f. Cherokee
 - g. Honey
 - h. LaPorte
 - i. Lobo
 - j. Maacama / Youngs

- 1 k. McCourtney
- 2 l. Norrbonm
- 3 m. Nuns
- 4 n. Partrick
- 5 o. Pocket
- 6 p. Point
- 7 q. Pressley
- 8 r. Pythian / Oakmont
- 9 s. Redwood / Potter Valley
- 10 t. Sullivan
- 11 u. Sulphur
- 12 v. Tubbs
- 13 3. Camp Fire (2018)
- 14
- 15
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- 28

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents that constitute and/or memorialize any and all contracts and/or work agreements between You and PG&E, for the time period 2013 to the present.

REQUEST FOR PRODUCTION NO. 2:

All Documents that constitute and/or memorialize, any and all indemnification and/or hold harmless agreements between You and PG&E, for the time period 2013 to the present.

REQUEST FOR PRODUCTION NO. 3:

All Documents that constitute and/or, memorialize any and all reports, analyses, summaries, or descriptions of Your work for PG&E, for the time period 2013 to the present.

REQUEST FOR PRODUCTION NO. 4

All Documents that constitute and/or, memorialize Commercial General Liability insurance policies, including but not limited to all applications, declarations, policies and endorsements, for which You are an insured, for the time period 2013 to the present. Included in this request are all such policies whether insuring You alone, or You as well as others.

REQUEST FOR PRODUCTION NO. 5:

All Documents that constitute and/or, memorialize Errors & Omissions/Professional Liability insurance policies, including but not limited to all applications, declarations, policies and endorsements, for which You are an insured, for the time period 2013 to the present. Included in this request are all such policies whether insuring You alone, or You as well as others.

REQUEST FOR PRODUCTION NO. 6:

All Documents that constitute and/or, memorialize Directors & Officers insurance policies, including but not limited to all applications, declarations, policies and endorsements, for which You are an insured, for the time period 2013 to the present. Included in this request are all such policies whether insuring You alone, or You as well as others.

REQUEST FOR PRODUCTION NO. 7:

All Documents that constitute and/or, memorialize Environmental/Pollution Liability insurance policies, including but not limited to all applications, declarations, policies and

1 endorsements, for which You are an insured, for the time period 2013 to the present. Included in
2 this request are all such policies whether insuring You alone, or You as well as others.

3 **REQUEST FOR PRODUCTION NO. 8:**

4 All Documents that constitute and/or, memorialize insurance policies, not otherwise
5 produced in response to Request Nos. 4-7, that You were contractually required to maintain
6 pursuant to any contracts You had with PG&E, including but not limited to all applications,
7 declarations, policies and endorsements, for which You are an insured, for the time period 2013 to
8 the present. Included in this request are all such policies whether insuring You alone, or You as
9 well as others.

10 **REQUEST FOR PRODUCTION NO. 9:**

11 All Documents that constitute and/or, memorialize other insurance policies, not otherwise
12 produced in response to Requests 4-8, that provide defense coverage, indemnity, and/or other
13 coverage of claims arising from or related to Your services or acts, including but not limited to all
14 applications, declarations, policies and endorsements, for the time period 2013 to the present.
15 Included in this request are all such policies whether insuring You alone, or You as well as others.

16 **REQUEST FOR PRODUCTION NO. 10:**

17 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
18 Communications—including but not limited to coverage positions and insurance analyses—
19 between You and any insurers for all such insurance policies subject to Request Nos. 4-9, for the
20 time period 2013 to the present related, directly or indirectly, to the Fires and/or Your Work for
21 PG&E.

22 **REQUEST FOR PRODUCTION NO. 11:**

23 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
24 Communications—including but not limited to coverage positions and insurance analyses—
25 between You and any insurance brokers or agents for all such insurance policies subject to Request
26 Nos. 4-9, for the time period 2013 to the present related, directly or indirectly, to the Fires and/or
27 Your Work for PG&E.

1 **REQUEST FOR PRODUCTION NO. 12:**

2 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
3 Communications—including but not limited to coverage positions and insurance analyses—
4 between You and any insurers for all such insurance policies subject to Request Nos. 4-9, for the
5 time period 2013 to the present related to work that You performed for any entity other than PG&E
6 but that was the same or similar in nature to the Work you performed for PG&E.

7 **REQUEST FOR PRODUCTION NO. 13:**

8 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
9 Communications—including but not limited to coverage positions and insurance analyses—
10 between You and any insurance brokers or agents for all such insurance policies subject to Request
11 Nos. 4-9, for the time period 2013 to the present related to work that You performed for any entity
12 other than PG&E but that was the same or similar in nature to the Work You performed for PG&E.

13 **REQUEST FOR PRODUCTION NO. 14:**

14 All Documents constituting, memorializing, or reflecting any payment of Your defense
15 costs and/or indemnity and/or ultimate net loss, however it may be defined by any given policy,
16 made by each insurance carrier subject to Request Nos. 4-9 for the time period 2013 to the present.

17 **REQUEST FOR PRODUCTION NO. 15:**

18 All Documents constituting, memorializing, or reflecting insurance policy limits remaining
19 available for payment of covered claims under each policy where an insurance carrier has made a
20 payment subject to Request No. 14.

EXHIBIT B

UNITED STATES BANKRUPTCY COURT

Northern _____ District of _____ California _____

In re PG&E Corporation
Debtor

(Complete if issued in an adversary proceeding)

Case No. 19-30088 (DM)

Chapter 11

Plaintiff _____

v.

Adv. Proc. No. _____

Defendant _____

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: GE Grid Solutions, LLC, c/o CT Corporation, 818 West Seventh Street, Suite 930, Los Angeles, CA 90017
(Name of person to whom the subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See attachment Exhibit A

PLACE	DATE AND TIME
c/o Bridget McCabe, Baker Hostetler, LLP, 11601 Wilshire Blvd., Suite 1400, Los Angeles, CA 90025	February 4, 2020, at 1:00 PM PST

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME

The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/21/2020

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature
Bridget S. McCabe

The name, address, email address, and telephone number of the attorney representing (name of party)
Official Committee of Tort Claimants, who issues or requests this subpoena, are:

Bridget S. McCabe, 11601 Wilshire Blvd., Suite 1400, Los Angeles, CA 90025, bmccabe@bakerlaw.com, (310) 442-8844

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (*name of individual and title, if any*): _____
on (*date*) _____.

I served the subpoena by delivering a copy to the named person as follows:

on (*date*) _____; or

I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true and correct.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

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- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

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(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...

(g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013)

EXHIBIT A

DEFINITIONS

1 1. As used herein, the words "Document" and "Documents" mean each written, typed,
2 printed, recorded, transcribed, taped, electronically stored, digitized, disked, filmed, or graphic
3 matter of every kind, however produced or reproduced, including originals or copies of originals
4 not in existence or available, all drafts or partial copies, wherever located, and including all
5 Electronic Data, correspondence, letters, emails, memoranda, requests for information, reports,
6 studies, tests, inspections, working papers, handwritten notes, diaries, charts, spreadsheets,
7 photographs, sketches, drawings, blueprints, videos, graphs, indices, submittals, data sheets,
8 databases, conversations, statements, minutes, notations (including notes or memorandum of
9 conversations), telephone conversations in whatever form, suggestions, comments, instructions,
10 warnings, notices, manuals, periodicals, pamphlets, brochures, catalogues, bulletins, schedules,
11 invoices, and other documentation.

12 2. The term "Electronic Data" as used herein, shall be construed as the following types
13 of electronic data and data compilations in the custody and/or control of the party responding to
14 this Subpoena:

15 a. All electronic mail and information about electronic mail sent or received by
16 the party responding to this Subpoena;

17 b. All databases containing any reference and/or information;

18 c. All activity logs on any computer system which may have been used to
19 process or store electronic data containing information;

20 d. All word processing files and file fragments, including metadata, containing
21 information about the below listed subjects;

22 e. All electronic data files and file fragments created by application programs
23 that process information requested herein;

24 f. All electronic data files and file fragments from electronic calendars and
25 scheduling programs that contain information about the below-listed subjects; and

1 g. All audio and video recordings sent, received, or stored by the party
2 responding to this Subpoena that contains, references, or otherwise identifies information about the
3 below listed subjects.

4 3. The terms "and" and "or" as used herein, shall, where the context permits, be
5 construed to mean "and/or" as necessary to bring within the scope of the subpoena request.

6 4. The terms "You" and "Your" refer to the party responding to this Subpoena.

7 5. The term "PG&E" refers to PG&E Corporation and/or Pacific Gas & Electric
8 Company.

9 6. The term "Work" means any activity performed by You in fulfillment of Your
10 duties, contractual or otherwise, to PG&E.

11 7. The term "Communication(s)" means any transmission of information from one
12 person or entity to another, including (without limitation) by personal meeting, conference,
13 conversation, telephone, radio, electronic mail, teleconference, or any other method of
14 communication or by any medium.

15 8. The term "Fires" means the fires that occurred in Northern California in 2015,
16 2017 and 2018 listed below:

17 1. Butte Fire (2015)

18 2. North Bay Wildfires (2017)

19 a. 37

20 b. Adobe

21 c. Atlas

22 d. Blue

23 e. Cascade

24 f. Cherokee

25 g. Honey

26 h. LaPorte

27 i. Lobo

28 j. Maacama / Youngs

- 1 k. McCourtney
- 2 l. Norrbonm
- 3 m. Nuns
- 4 n. Partrick
- 5 o. Pocket
- 6 p. Point
- 7 q. Pressley
- 8 r. Pythian / Oakmont
- 9 s. Redwood / Potter Valley
- 10 t. Sullivan
- 11 u. Sulphur
- 12 v. Tubbs
- 13 3. Camp Fire (2018)
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REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

All Documents that constitute and/or memorialize any and all contracts and/or work agreements between You and PG&E, for the time period 2013 to the present.

REQUEST FOR PRODUCTION NO. 2:

All Documents that constitute and/or memorialize, any and all indemnification and/or hold harmless agreements between You and PG&E, for the time period 2013 to the present.

REQUEST FOR PRODUCTION NO. 3:

All Documents that constitute and/or, memorialize any and all reports, analyses, summaries, or descriptions of Your work for PG&E, for the time period 2013 to the present.

REQUEST FOR PRODUCTION NO. 4

All Documents that constitute and/or, memorialize Commercial General Liability insurance policies, including but not limited to all applications, declarations, policies and endorsements, for which You are an insured, for the time period 2013 to the present. Included in this request are all such policies whether insuring You alone, or You as well as others.

REQUEST FOR PRODUCTION NO. 5:

All Documents that constitute and/or, memorialize Errors & Omissions/Professional Liability insurance policies, including but not limited to all applications, declarations, policies and endorsements, for which You are an insured, for the time period 2013 to the present. Included in this request are all such policies whether insuring You alone, or You as well as others.

REQUEST FOR PRODUCTION NO. 6:

All Documents that constitute and/or, memorialize Directors & Officers insurance policies, including but not limited to all applications, declarations, policies and endorsements, for which You are an insured, for the time period 2013 to the present. Included in this request are all such policies whether insuring You alone, or You as well as others.

REQUEST FOR PRODUCTION NO. 7:

All Documents that constitute and/or, memorialize Environmental/Pollution Liability insurance policies, including but not limited to all applications, declarations, policies and

1 endorsements, for which You are an insured, for the time period 2013 to the present. Included in
2 this request are all such policies whether insuring You alone, or You as well as others.

3 **REQUEST FOR PRODUCTION NO. 8:**

4 All Documents that constitute and/or, memorialize insurance policies, not otherwise
5 produced in response to Request Nos. 4-7, that You were contractually required to maintain
6 pursuant to any contracts You had with PG&E, including but not limited to all applications,
7 declarations, policies and endorsements, for which You are an insured, for the time period 2013 to
8 the present. Included in this request are all such policies whether insuring You alone, or You as
9 well as others.

10 **REQUEST FOR PRODUCTION NO. 9:**

11 All Documents that constitute and/or, memorialize other insurance policies, not otherwise
12 produced in response to Requests 4-8, that provide defense coverage, indemnity, and/or other
13 coverage of claims arising from or related to Your services or acts, including but not limited to all
14 applications, declarations, policies and endorsements, for the time period 2013 to the present.
15 Included in this request are all such policies whether insuring You alone, or You as well as others.

16 **REQUEST FOR PRODUCTION NO. 10:**

17 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
18 Communications—including but not limited to coverage positions and insurance analyses—
19 between You and any insurers for all such insurance policies subject to Request Nos. 4-9, for the
20 time period 2013 to the present related, directly or indirectly, to the Fires and/or Your Work for
21 PG&E.

22 **REQUEST FOR PRODUCTION NO. 11:**

23 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
24 Communications—including but not limited to coverage positions and insurance analyses—
25 between You and any insurance brokers or agents for all such insurance policies subject to Request
26 Nos. 4-9, for the time period 2013 to the present related, directly or indirectly, to the Fires and/or
27 Your Work for PG&E.

1 **REQUEST FOR PRODUCTION NO. 12:**

2 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
3 Communications—including but not limited to coverage positions and insurance analyses—
4 between You and any insurers for all such insurance policies subject to Request Nos. 4-9, for the
5 time period 2013 to the present related to work that You performed for any entity other than PG&E
6 but that was the same or similar in nature to the Work you performed for PG&E.

7 **REQUEST FOR PRODUCTION NO. 13:**

8 All Documents that constitute, refer or relate to notices of claims, tenders and coverage
9 Communications—including but not limited to coverage positions and insurance analyses—
10 between You and any insurance brokers or agents for all such insurance policies subject to Request
11 Nos. 4-9, for the time period 2013 to the present related to work that You performed for any entity
12 other than PG&E but that was the same or similar in nature to the Work You performed for PG&E.

13 **REQUEST FOR PRODUCTION NO. 14:**

14 All Documents constituting, memorializing, or reflecting any payment of Your defense
15 costs and/or indemnity and/or ultimate net loss, however it may be defined by any given policy,
16 made by each insurance carrier subject to Request Nos. 4-9 for the time period 2013 to the present.

17 **REQUEST FOR PRODUCTION NO. 15:**

18 All Documents constituting, memorializing, or reflecting insurance policy limits remaining
19 available for payment of covered claims under each policy where an insurance carrier has made a
20 payment subject to Request No. 14.

EXHIBIT C

Fire Circuits and Origin Locations

Fire	Circuit	Origin Location
Butte (2015)	Electra 1101, 12 kV Circuit	17704 Butte Mountain Road, Jackson, CA
37		7701 Lakeville Hwy, Petaluma, CA 94954
Adobe	Dunbar 1101, 12 kV Circuit	8555 Sonoma Highway (CA-12), Kenwood, CA 95452
Atlas	Pueblo 1104, 12 kV Circuit	3683 Atlas Peak Road, Napa, CA
Blue	Blue Lake 1102, 12kV Circuit	(Approximate) 399 Greenhill Ln, McKinleyville, CA 95519
Cascade	Bangor 1101, 12 kV Circuit	13916 Cascade Way, Browns Valley, CA
Cherokee	Clark Road 1102, 12 kV Circuits	3401 Cherokee Rd, Oroville, CA 95965
Honey	Centerville 1101 12 kV Circuit	2484 Honey Run Rd, Chico, CA 95928
LaPorte	Bangor 1101, 12 kV Circuit	167 Darby Road, Bangor, CA
Lobo	Narrows 2102	11218 Lone Lobo Trail, Nevada City, CA 95959
Maacama/Youngs	Fulton 1102, 12 kV Circuit	995 Maacama Lane, Healdsburg, CA
McCourtney	Grass Valley 1103	11253 Orion Way, Grass Valley, CA 95949 11228 McCourtney Rd, Grass Valley, CA 95949
Norrbom	Sonoma 1103, 12 kV Circuit	16200 Norrbom Road, Sonoma, CA 95476

Nuns	Dunbar-1101, Secondary conductors	1210 Nuns Canyon Road, Glen Ellen, CA 95442
Partrick	Pueblo 2103, 12 kV Circuit	1721 Partrick Road, Napa, CA 94558
Pocket	Cloverdale 1102, 12 kV Circuit	Ridge Ranch Road and Ridge Oaks Road, Geyserville, CA 95441
Point	West Point 1102, 12 kV Circuit	22894 CA-26, West Point, CA 95255
Pressley (Note – Cal Fire concluded this fire was started by an ember from Adobe)	Bellevue 2103	2276 Crane Canyon Rd, Santa Rosa, CA 95404
Pythian/Oakmont	Rincon-1101/Dunbar-1101, 12 kV Circuits	8050 Pythian Road, Santa Rosa, CA 95409
Redwood/Potter Valley	Potter Valley-Mendocino, 60 kV Circuit Potter Valley 1105, 12 kV Circuit	13801 N. Busch Road, Potter Valley, CA 95469 9100 Main Street (Hawn Creek Road), Potter Valley, CA 95469
Sullivan	Rincon 1102	4818 Sullivan Way, Santa Rosa, CA 75401
Sulphur	Redbud 1102, 12 kV Circuit	1350 Sulphur Bank Drive, Clearlake Oaks, CA 95423
Tubbs	Calistoga 1101, 12 kV Circuit	1128 Bennett Lane, Calistoga, CA 94515
Camp (2018)	Camp A: Caribou-Palermo 115 kV transmission line Camp B: Big Bend 1101 12kV distribution line	Camp A: Camp Creek Road, Oroville, CA 95965; from Highway 70 to Pulga Road east, through the community of Pulga, CA and continuing east on Camp Creek Road for 1. 7 miles. Camp B: intersection of Concow Rd. and Rim Rd., Concow, CA 95965